



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

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The purpose of this letter is to respond to your request for a determination as to the barrier product status of acetylated wood under FIFRA and whether the following proposed product claims for acetylated wood would be considered to be pesticidal and thus require registration of the associated product(s) under FIFRA:

- (1) "Perennial features Everlock technology to protect wood to the core and provide a physical barrier against weather, insects, rot and decay for a full 40 years";
- (2) "Unlike ordinary pressure treated wood, Perennial features our unique Everlock technology that creates a physical barrier against termites, rot and decay for a full 40 years";
- (3) "Unlike ordinary pressure treated wood, Perennial features our unique Everlock technology that modifies wood creating an impenetrable barrier against termites, rot and decay for a full 40 years";
- (4) "Unlike ordinary pressure treated wood, Perennial features our unique Everlock technology that transforms wood on a molecular level creating an impenetrable barrier against termites, rot and decay for a full 40 years" and;
- (5) "Perennial features our unique Everlock technology that transforms wood and creates an impenetrable barrier against termites, rot and decay for a full 40 years".

Based on the information that you have provided, the Agency has determined that suggested claims numbered (1) and (5) as presented are not considered to be pesticidal and products bearing such claims or advertising such claims do not require registration at this time. (However, please note the comment later in this letter regarding claims in these and the other three suggested versions relating to insects in general and also to termites specifically.) In terms of the claims number (2), (3) and (4), the Agency believes that these include pesticidal claims as written because the statement "unlike ordinary pressure treated wood" is an implied comparative claim to registered pesticide products and, as such, implies that the acetylated wood will provide the same, different, or greater pesticidal benefits as other pressure treated wood, including pressure treated wood treated with registered pesticides. Were the company to want to make such a claim, it would need to register its affected product(s). The Agency notes that claims number (2), (3) and (4) would not considered to be pesticidal claims and products

bearing such claims or advertising such claims would not require registration at this time if the statement "unlike ordinary pressure treated wood" were removed from each of those three suggested claims.

Furthermore, based on the Agency's examination of the data and materials provided by Eastman Chemicals Inc., it is noted that, with respect to the suggested claims language about insects in general and termites specifically, while not representing pesticidal claims, those suggested claims may overestimate the value of the product in terms of its ability to present an "impenetrable barrier" to access by such pests. Therefore, it is possible that these statements may not be completely factual if made with respect to this product.

Please also note that in making determinations that a claim is not considered to be pesticidal in nature, the Agency is not making a determination that the subject claim is accurate or true but is only remarking about the language and its relationship to FIFRA and its regulations based on the information that you have provided.

With respect to Eastman's willingness to engage in a continuing dialogue with the Agency with respect to future marketing plans for acetylated wood products to ensure that any claims made in the future are not considered pesticidal under FIFRA, the Agency believes that this is a prudent path forward.

If you have any questions please contact me at (703) 308-0734



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